

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 12.2 as follows:

6 (410 ILCS 620/12.2 new)

7 Sec. 12.2. Labeling; seafood.

8 (a) In this Section:

9 "Farm raised" means harvested in controlled
10 environments, whether ocean-ranched or penned, and
11 including harvested from leased beds that have been
12 subjected to production enhancements, such as providing
13 protection from predators, the addition of artificial
14 structures, or providing nutrients.

15 "Farm raised fish or shellfish" includes fillets,
16 steaks, nuggets, and any other flesh from farm raised fish
17 or shellfish.

18 "Market name" means the market name for any seafood
19 species identified in the Seafood List issued by the
20 federal Food and Drug Administration.

21 "Wild caught" means naturally born or
22 hatchery-originated and released in the wild, and caught,
23 taken, or harvested from non-controlled waters or beds.

1 "Wild caught fish or shellfish" includes fillets,
2 steaks, nuggets, and any other flesh from a wild caught
3 fish or wild caught shellfish.

4 (b) Any label of fresh or frozen fish or shellfish, wild
5 caught or farm raised, offered for sale at wholesale or retail
6 shall clearly identify all of the following information:

7 (1) The species of fish or shellfish by its market
8 name.

9 (2) Whether the fish or shellfish was farm raised or
10 wild caught.

11 (3) Whether the fish or shellfish was caught
12 domestically or imported.

13 (4) The country of origin of the fish or shellfish.

14 (c) It shall constitute misbranding for any person to
15 knowingly sell or offer for sale any fish or shellfish that is
16 labeled in violation of subsection (b) of this Section. For the
17 purposes of this subsection (c), knowledge shall be presumed if
18 the person fails to provide sufficient product documentation
19 that demonstrates the fish or shellfish was labeled in
20 violation of subsection (b) of this Section when the person
21 received the fish or shellfish. The presumption established
22 under this subsection (c) is a presumption affecting the burden
23 of proof.

24 (d) A retail food facility that sells or offers for sale
25 any fresh or frozen fish or shellfish, wild caught or farm
26 raised, shall identify and label the species of fish or

1 shellfish by its market name for the consumer at the point of
2 sale, so that the consumer can make an informed purchase
3 decision. It is unlawful for a retail food facility to
4 knowingly misidentify or misbrand the species of fish or
5 shellfish in violation of this subsection (d).

6 (e) A retail food facility that sells or offers for sale
7 any fresh or frozen fish or shellfish, wild caught or farm
8 raised, may not knowingly misidentify or misbrand either of the
9 following:

10 (1) The country of origin of the fish or shellfish.

11 (2) Whether the fish or shellfish was farm raised or
12 wild caught.

13 For the purposes of this subsection (e), knowledge shall be
14 presumed if the retail food facility fails to provide
15 sufficient product documentation that demonstrates the fish or
16 shellfish was identified and labeled in violation of this
17 Section when the retail food facility received the fish or
18 shellfish. The presumption established by this subsection (e)
19 is a presumption affecting the burden of proof.

20 (f) A violation of this Section shall be punishable by a
21 fine to be determined by rule by the Department of Public
22 Health.

23 (g) This Section shall become operative 18 months after the
24 effective date of this amendatory Act of the 99th General
25 Assembly.